

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

F B Rice & Co
605 Darling Street
BALMAIN NSW 2041

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **07 JUL 2004**

Applicant's or agent's file reference
118130

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/000582

International filing date (day/month/year)
5 May 2004

Priority date (day/month/year)
11 August 2003

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ (I)A47C 1/00,1/02,1/032,7/40,16/00,17/04,20/00

(II)A47C 1/022,1/024,1/03,7/00,7/40 F16B 21/16,21/20,21/10

Applicant

KING FURNITURE (AUSTRALIA) PTY LTD et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU
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**WRITTEN OPINION OF THE
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Box No. I	Basis of the opinion
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- | | |
|----|--|
| 1. | With regard to the language , this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

<input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)). |
| 2. | With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

<input type="checkbox"/> a sequence listing
<input type="checkbox"/> table(s) related to the sequence listing

b. format of material

<input type="checkbox"/> in written format
<input type="checkbox"/> in computer readable form

c. time of filing/furnishing

<input type="checkbox"/> contained in the international application as filed.
<input type="checkbox"/> filed together with the international application in computer readable form.
<input type="checkbox"/> furnished subsequently to this Authority for the purposes of search. |
| 3. | <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished. |
| 4. | Additional comments: |

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☒ paid additional fees
- ☐ paid additional fees under protest
- ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1-15. It is considered that the backrest assembly having a front edge and rear edge and slideably arranged relative to the base in a plane parallel to the top surface of the base to adjust a depth of the base as measured between the front edge of the backrest assembly and the front of the base comprises a first "special technical feature".
2. Claims 16-25. It is considered that the displacement member movably received in the housing, the displacement member being displaceable between a locking orientation and an unlocking orientation, when the displacement member is in its locking orientation the locking member is urged partially out of the aperture in the housing to protrude a predetermined extent through the housing to effect locking and, when the displacement member is in its unlocking orientation, the locking member is free to be at least partially withdrawn into the housing to effect unlocking comprises a second "special technical feature".

Since the above mentioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☒ all parts
- ☐ the parts relating to claims Nos.

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1-15, 17-26	YES
	Claims 16	NO
Inventive step (IS)	Claims 1-15, 26	YES
	Claims 16-25	NO
Industrial applicability (IA)	Claims 1-26	YES
	Claims	NO

2. Citations and explanations:

NOVELTY and INVENTIVE STEP

I. Claims 1-15 & 26

A. The documents constituting the closest prior art are:

D1 WO 98/09552
D2 DE 29617154 U
D3 EP 1057725 A

B The subject matter of claims 1 & 26 differs from these prior art documents in that the backrest assembly slideably moves relative to the base in a plane parallel to the top surface of the base.

C. The distinguishing features of the invention will enable to adjust the depth of the backrest assembly and front of the base.

D. Therefore the application satisfies the criteria set forth in PCT Article 33(2-3), concerning the novelty and inventive step of claims 1 & 26.

E. The criteria concerning novelty and inventive step of claims 2-15 are satisfied because these claims are dependent on claim 1.

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Supplemental Box V

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

II. Claims 16-25

A. The documents constituting the closest prior art are:

D4 DE 20116300 U

D5 US 5207544 A

D6 US 5518335 A

B. The document D4 disclose all the features of claim 16, hence lack novelty.

Features of claims 17-25 are considered to be either minor variations which come within the scope of the customary practice followed by a person skilled in the art or mere workshop improvements and hence lack an inventive step.